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EXAMINER	
FISH, JAMIESON W	

ART UNIT	PAPER NUMBER
2616	

DATE MAILED: 06/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/882,485	CONNELLY, JAY H.	
	Examiner	Art Unit	
	Jamieson W. Fish	2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *15 June 2001*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-80* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-80* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *16 October 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 6/01 and 2/02
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Information Disclosure Statement

The information disclosure statements (IDS) submitted on 6-15-2001 and 02-20-2002 have been considered by the examiner.

Claim Objections

Claims **69, 72, 75, 78** are objected to because of the following informalities: line 3 "ore" should read "or". Appropriate correction is required.

Claim Rejections - 35 USC § 112

Claims **26** and **67** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim **26** recites the limitation "the content descriptor schedule " in line 2. There is insufficient antecedent basis for this limitation in the claim. To facilitate compact prosecution, the claim has been examined with "broadcasting the content descriptor schedule signal" omitted.

Claim **67** recites the limitation "the content descriptor schedule " in line 2. There is insufficient antecedent basis for this limitation in the claim. To facilitate compact prosecution, the claim has been examined with "broadcasting the content descriptor schedule signal" omitted.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims **1-3, 9-11, 17-19, 57-65** are rejected under 35 U.S.C. 102(e) as being anticipated by Kawaguchi et al (US 6,271,893).

2. Regarding claim **1**, Kawaguchi teaches a method, comprising: broadcasting a content descriptor schedule signal to one or more clients to indicate that a content descriptor file is to be broadcast to said one or more clients at a broadcast time (See Fig. 6 Col. 7 lines 6-67, Col. 8 lines 1-45 Table 340 is sent to the TV receiver); broadcasting the content descriptor file to said one or more clients at the broadcast time (See Fig. 8 Col. 7 lines 6-67, Col. 8 lines 1-45 At the specified time the receivers receives updated information 300).

3. Regarding claim **2,** Kawaguchi teaches wherein the content descriptor schedule signal is embedded within a file that is broadcast (See Fig. 6 Col. 7 lines 16-23 The update time list is a file).

4. Regarding claim **3**, Kawguchi teaches the method further comprising generating the content descriptor file prior to broadcasting the content descriptor file (See Col. 6 lines 18-29 The list is generated at the head end and transmitted to the client).

5. Regarding claim **9,** Kawaguchi teaches a method, comprising: broadcasting a content descriptor schedule signal to one or more clients to indicate that a content descriptor file is to be broadcast to said one or more

clients after a first file is broadcast (See Fig. 6 Table 340a and Col. 7 lines 6-23 Table 340a indicates the order in which updates are received. Each update is a content descriptor file); broadcasting the first file to said one or more clients (See Fig. 7B Col. 8 lines 21-24 The updates are received at the scheduled times); and broadcasting the content descriptor file to said one or more clients after the first file is broadcast to said one or more clients (See Fig. 7B Col. 8 lines 21-24 The updates are received at the scheduled times).

6. Regarding claim **10**, the USPTO considers the applicant's "including one of" language to be anticipated by any reference containing any of the subsequent elements. Kawguchi teaches wherein broadcasting a content descriptor schedule signal comprises broadcasting the content descriptor schedule signal using a signaling protocol including one of internet protocol (IP), digital video broadcast signal (DVB) or program and system information protocol (PSIP) (See Col. 2 lines 10-30, Col. 3 lines 54-64).

7. Regarding claim **11,** Kawaguchi teaches wherein broadcasting a content descriptor schedule signal comprises broadcasting the content descriptor schedule signal in a file (See Fig. 6 Col. 7 lines 16-23 The update time list is a file).

8. Regarding claim **17,** Kawaguchi teaches a method comprising: assigning a unique identifier to a content descriptor file (See Fig. 2 Col. 4 lines 66-67, Col. 5 lines 1-19 Channel and program ID uniquely identify each program information record); broadcasting the content descriptor file identified by the unique identifier to one or more clients, wherein the content descriptor file is recognized by each

client as a content descriptor file in response to the unique identifier assigned to the content descriptor file (See Fig. 7A Step 454 Col. 7 lines 47-67, Col. 8 lines 1-5 The controller recognizes program records).

9. Regarding claim **18**, Kawaguchi teaches wherein the one or more clients are included in a segment, the segment defined as one or more clients of a subset based on one of geography, network connection or rights vectors (See Fig. 1, Col. 3 lines 25-53 Any network with one or more clients would inherently have segments based on connections or geography i.e. User A is connected at node A and User B is connected at node B).

10. Regarding claim **19,** Kawaguchi teaches the method further comprising generating the content descriptor file with content descriptors prior to broadcasting the content descriptor file (Col. 7 lines 24-29 Controller 225 collects information. Information must be generated before it is collected).

11. Regarding claims **57-59**, claims **57-59** are apparatus claims corresponding to method claims 1-3, respectively. Thus, claims **57-59** are discussed and rejected according to claims 1-3, respectively.

12. Regarding claims **60-62**, claims **60-62** are apparatus claims corresponding to method claims 9-11, respectively. Thus, claims **60-62** are discussed and rejected according to claims 9-11, respectively.

13. Regarding claims **63-65**, claims **63-65** are apparatus claims corresponding to method claims 17-19, respectively. Thus, claims **63-65** are discussed and rejected according to claims 17-19, respectively.

14. Claims **25-27, 66-68** are rejected under 35 U.S.C. 102(e) as being anticipated by Grooters (US 6,883,176).

15. Regarding claim **25**, Grooters teaches a method comprising: assigning a general purpose identifier to a content descriptor file (See Col. 1 lines 47-50, Col. 4 lines 63-66 EPG database is capable of filtering channel specific information (content descriptor files). Thus, general purpose identifiers are inherent); broadcasting the content descriptor file identified by the general purpose identifier to one or more clients (See Col. 1 lines 47-67, Col. 2 lines 1-41 EPG is updated from a remote source); broadcasting a signal to said one or more clients to indicate that the content descriptor file has been broadcast to said one or more clients, the signal to indicate to said one or more clients how to locate said content descriptor file (See Col. 4 lines 56-67, Col. 5 lines 19-31, Col. 6 lines 8-21 Information in a video signal can cause the information handling system to access specific EPG information. The video signal access event would implicitly indicate that the file has been broadcast and implicitly tell the client how to locate the information).

16. Regarding claim **26,** the USPTO considers the applicant's "including one of" language to be anticipated by any reference containing any of the subsequent elements. Grooters teaches wherein broadcasting the content descriptor file comprises using a signaling protocol including one of internet protocol (IP), digital video broadcast signal (DVB) or program and system information protocol (PSIP) (See Col. 1 lines 47-67, Col. 2 lines 1-41).

17. Regarding claim **27,** Grooters teaches wherein broadcasting the signal comprises embedding the signal in a file that is broadcast (See Col. 6 lines 11-21).

18. Regarding claims **66-68,** claims **66-68** are apparatus claims corresponding to method claims 25-27, respectively. Thus, claims **66-68** are discussed and rejected according to claims 25-27, respectively.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

19. Claims **4-8, 12-16, 20, 23-24, 33-39, 45-51, 69-75** are rejected under 35 U.S.C. 103(a) as being unpatentable over Kawaguchi et al. in view of Picco et al. (US 6,029,045)

20. Regarding claim **4,** Kawaguchi teaches a method, comprising: receiving a content descriptor schedule signal broadcast by a server, the content descriptor schedule signal to indicate that a content descriptor file is to be broadcast at a broadcast time (See Fig. 6 Col. 7 lines 6-67, Col. 8 lines 1-45 List 340 is sent to the TV receiver); receiving the content descriptor file at the broadcast time (See Col. 7 lines 6-67, Col. 8 lines 1-45). Kawaguchi fails to disclose processing the content descriptor file to generate demand data feedback to be provided to the server. However, Kawaguchi does teach a means for providing feedback data to

the server (See Col. 3 lines 43-53 A telephone line can provide two-way communication) and using program guide data (content descriptor file) to generate demand data feedback that is provided to a server is well known in the art as taught by Picco (See Fig. 4 Col. 6 lines 57-67, Col. 7 lines 1-32). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kawaguchi so that program data was used to generate demand data feedback to be provided to the server to entice new advertisers to provide advertisements (See Picco Col. 7 lines 23-33).

21. Regarding claim **5**, Kawaguchi modified with Picco further teaches the method comprising notifying a process in a client system to process the content descriptor file in response to receiving the content descriptor file (See Kawaguchi Fig. 7A and Col. 7 lines 24-29).

22. Regarding claim **6**, the USPTO considers the applicant's "including one of" language to be anticipated by any reference containing any of the subsequent elements. Kawaguchi modified with Picco teaches wherein receiving the content descriptor file at the broadcast time comprising receiving the content descriptor schedule signal using a signaling protocol including one of internet protocol (IP), digital video broadcast signal (DVB) or program and system information protocol (PSIP) (See Kawaguchi Col. 2 lines 10-30, Col. 3 lines 54-64).

23. Regarding claim **7,** Kawaguchi modified with Picco teaches wherein the generation of the demand data feedback comprises the generation of ranking feedback (See Picco Col. 6 lines 57-67, Col. 7 lines 1-33 Statistics are kept on the amount of time a program has been viewed. Thus, ranking feedback based

on amount of time view is implicitly generated i.e. Program A is viewed for 5 minutes, Program B is viewed for 2 minutes).

24. Regarding claim **8,** Kawaguchi modified with Picco teaches wherein the generation of the demand data feedback comprises the generation of rating feedback (See Picco Col. 6 lines 57-67, Col. 7 lines 1-33 Statistics are kept on the amount of time a program has been viewed. Thus, programs are rated by the amount of time viewed i.e. Program A is viewed for 5 minutes, Program B is viewed for 2 minutes).

25. Regarding claim **12,** Kawaguchi teaches a method, comprising: receiving a content descriptor schedule signal broadcast by a server, the content descriptor schedule signal to indicate that a content descriptor file is to be broadcast after a first file is broadcast (See Fig. 6 Table 340a and Col. 7 lines 6-23 Table 340a indicates the order in which updates are received. Each update is a content descriptor file); receiving the first file broadcast by the server (See Fig. 7B Col. 8 lines 21-24 The updates are received at the scheduled times); and receiving the content descriptor file broadcast by the server after the broadcast of the first file (See Fig. 7B Col. 8 lines 21-24 The updates are received at the scheduled times). Kawaguchi fails to disclose processing the content descriptor file to generate demand data feedback to be provided to the server. However, Kawaguchi does teach a means for providing feedback data to the server (See Col. 3 lines 43-53 A telephone line can provide two-way communication) and using program guide data (content descriptor file) to generate demand data feedback that is provided to a server is well known in the art as taught by Picco

(See Fig. 4 Col. 6 lines 57-67, Col. 7 lines 1-32). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kawaguchi so that program data was used to generate demand data feedback to be provided to the server as taught by Picco to entice new advertisers to provide advertisements (See Picco Col. 7 lines 23-33).

26. Regarding claim **13,** Kawaguchi modified with Picco teaches wherein the content descriptor schedule signal further includes information indicating how to locate the content descriptor file (See Kawaguchi Col. 7 lines 33-39, Col. 8 lines 42-45 Emergency Message which can be a program information update tells the receiver to turn to a specific channel to receive the message).

27. Regarding claim **14,** Kawaguchi modified with Picco wherein the information indicating how to locate the content descriptor file includes one of a frequency, an internet protocol (IP) port or an IP address (See Kawaguchi Col. 7 lines 33-39, Col. 8 lines 42-45 Emergency Message which can be a program information update tells the receiver to turn to a specific channel to receive the message).

28. Regarding claim **15,** Kawaguchi modified with Picco teaches wherein the generation of the demand data feedback comprises the generation of ranking feedback (See Picco Col. 6 lines 57-67, Col. 7 lines 1-33 Statistics are kept on the amount of time a program has been viewed. Thus, ranking feedback based on amount of time view is implicitly generated i.e. Program A is viewed for 5 minutes, Program B is viewed for 2 minutes).

29. Regarding claim **16**, Kawaguchi modified with Picco teaches wherein the generation of the demand data feedback comprises the generation of rating feedback (See Picco Col. 6 lines 57-67, Col. 7 lines 1-33 Statistics are kept on the amount of time a program has been viewed. Thus, programs are rated by the amount of time viewed i.e. Program A is viewed for 5 minutes, Program B is viewed for 2 minutes).

30. Regarding claim **20,** Kawaguchi teaches a method, comprising: receiving a file broadcast by a server (See Fig. 7A Step 454 Col. 7 lines 24-67, Col. 8 lines 1-5); identifying the file as a content descriptor file by a unique identifier assigned to the file (See Fig. 7A Step 454 Col. 7 lines 24-67, Col. 8 lines 1-5 The controller recognizes program records); storing the file at a content descriptor file location at a client in response to the unique identifier (See Col. 7 lines 56-61 The updated guide information is added to the guide data). Kawaguchi fails to disclose processing the content descriptor file to generate demand data feedback to be provided to the server. However, Kawaguchi does teach a means for providing feedback data to the server (See Col. 3 lines 43-53 A telephone line can provide two-way communication) and using program guide data (content descriptor file) to generate demand data feedback that is provided to a server is well known in the art as taught by Picco (See Fig. 4 Col. 6 lines 57-67, Col. 7 lines 1-32). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kawaguchi so that program data was used to generate demand data feedback to be provided to the server to entice new advertisers to provide advertisements (See Picco Col. 7 lines 23-33).

31. Regarding claim **23,** Kawaguchi modified with Picco teaches wherein the generation of the demand data feedback comprises the generation of ranking feedback (See Picco Col. 6 lines 57-67, Col. 7 lines 1-33 Statistics are kept on the amount of time a program has been viewed. Thus, ranking feedback based on amount of time view is implicitly generated i.e. Program A is viewed for 5 minutes, Program B is viewed for 2 minutes).

32. Regarding claim **24**, Kawaguchi modified with Picco teaches wherein the generation of the demand data feedback comprises the generation of rating feedback (See Picco Col. 6 lines 57-67, Col. 7 lines 1-33 Statistics are kept on the amount of time a program has been viewed. Thus, programs are rated by the amount of time viewed i.e. Program A is viewed for 5 minutes, Program B is viewed for 2 minutes).

33. Regarding claims **33-34**, claims **33-34** are article of manufacture claims corresponding to method claims 4-5, respectively. Thus, claims **33-34** are discussed and rejected according to claims 4-5, respectively.

34. Regarding claim **35**, Kawaguchi teaches the article of manufacture wherein the machine-readable medium further has instructions to determine how to locate the content descriptor file in response to content descriptor schedule signal (See Kawaguchi Col. 7 lines 33-39, Col. 8 lines 42-45 Emergency Message which can be a program information update tells the receiver to turn to a specific channel to receive the message. Also, a data delivery schedule inherent describes how to locate data temporally).

35. Regarding claims **36-38**, claims **36-38** are article of manufacture claims corresponding to method claims 12-14, respectively. Thus, claims **36-38** are discussed and rejected according to claims 12-14, respectively.

36. Regarding claim **39**, claim **39** is an article of manufacture claim corresponding to method claims 20. Thus, claims **39** is discussed and rejected according to claims 20.

37. Regarding claims **45-47**, claims **45-47** are apparatus claims corresponding to method claims 4-6, respectively. Thus, claims **45-47** are discussed and rejected according to claims 4-6, respectively.

38. Regarding claims **48-50**, claims **48-50** are apparatus claims corresponding to method claims 12-14, respectively. Thus, claims **48-50** are discussed and rejected according to claims 12-14, respectively.

39. Regarding claim **51**, claim **51** is an apparatus claim corresponding to article of manufacture claims 39. Thus, claim **51** is discussed and rejected according to claims 39.

40. Regarding claims **69** and **71,** claims **69** and **71** are system claims corresponding to method claims 4 and 6. Thus, claims **69** and **71** are discussed and rejected according to method claims 4 and 6.

41. Regarding claim **70,** Kawaguchi teaches wherein the server is coupled to broadcast the content descriptor schedule signal embedded within a file that is broadcast (See Fig. 1 and Col. 3 lines 25-67, Col. 4 lines 1-23).

42. Regarding claims **72-74,** claims **72-74** are system claims corresponding to method claims 12-14, respectively. Thus, claims **72-74** are discussed and rejected according to method claims 12-14, respectively.

43. Regarding claim **75,** claim **75** is a system claim corresponding to method claim 20. Thus, claim **75** is discussed and rejected according to claim 20.

44. Claims **21-22, 40-41, 52-53, 76-77** are rejected under 35 U.S.C. 103(a) as being unpatentable over Kawaguchi in view of Picco and further in view of Metz (US 5,666,293)

45. Regarding claims **21** and **22,** Kawaguchi modified with Picco fails to disclose allocating a buffer to receive the file while the file is received from the server; locking a previously received content descriptor file after a content descriptor file is completely received; and replacing the previously received content descriptor file with the completely received content descriptor file. In a similar endeavor, Metz teaches receiving a software upgrade file from a server through a broadcast channel, storing the file in a temporary memory, and replacing with the previous version with the new version after the new version has been completely received (See Col. 9 lines 65-67, Col. 10 lines 1-12). Thus, in view of the teaching of Metz, it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify Kawaguchi so that the previously received content descriptor file was not replaced until after the new content descriptor file was completely received to prevent replacing the previously received content descriptor file with corrupted data (See Metz Col. 10 lines 1-12).

46. Regarding claim **40**, claim 40 is an article of manufacture claim with the same limitations of claim 22. Thus, claim **40** is discussed and rejected according to claim 22.

47. Regarding claim **41,** Kawaguchi modified with Picco modified with Metz teaches wherein the machine-readable medium further has instructions to generate demand data feedback related to files stored at the content descriptor file location (See Picco Col. 7 lines 12-32).

48. Regarding claims **52-53**, claims **52-53** are apparatus claims corresponding to article of manufacture claims 40-41, respectively. Thus, claims **52-53** are discussed and rejected according to claims 40-41, respectively.

49. Regarding claim **76**, claim **76** is a system claim with the same limitations of claim 22. Thus, claim **76** is discussed and rejected according to claim 22.

50. Regarding claim **77,** Kawaguchi modified with Picco modified with Metz teaches wherein the server is coupled to broadcast the content descriptor file to the one or more clients organized by segments, wherein each segment is defined as one or more clients of a subset based on one of geography, network connection or rights vectors (See Kawaguchi Fig. 1 Col. 3 lines 25-53 The system is coupled to broadcast a content descriptor file to one client).

51. Claims **28-32, 42-44, 54-56, 78-80** are rejected under 35 U.S.C. 103(a) as being unpatentable over Grooters in view of Picco et al.

52. Regarding claim **28,** Grooters teaches a method, comprising: receiving a content descriptor file broadcast by a server, the content descriptor file having a general purpose identifier (See Col. 1 lines 47-50, Col. 4 lines 63-66 EPG

database is capable of filtering channel specific information (content descriptor files). Thus, general purpose identifiers are inherent); receiving a signal broadcast by the server, the signal indicating that a content descriptor file has been broadcast, the signal indicating how to locate the content descriptor file (See Col. 4 lines 56-67, Col. 5 lines 19-31, Col. 6 lines 8-21 Information in a video signal can cause the information handling system to access specific EPG information. The video signal access event would implicitly indicate that the file has been broadcast and implicitly tell the client how to locate the information); Grooters fails to disclose processing the content descriptor file to generate demand data feedback to be provided to the server. However, Grooters does teach a means for providing feedback data to the server (See Col. 1 lines 45-67, Col. 2 lines 1-41) and using program guide data (content descriptor file) to generate demand data feedback that is provided to a server is well known in the art as taught by Picco (See Fig. 4 Col. 6 lines 57-67, Col. 7 lines 1-32). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Grooters so that program data was used to generate demand data feedback to be provided to the server to entice new advertisers to provide advertisements (See Picco Col. 7 lines 23-33).

53. Regarding claim **29,** Grooters modified with Picco teaches wherein receiving the signal broadcast by the server indicating that a content descriptor file has been broadcast comprises receiving the signal using a signaling protocol including one of internet protocol (IP), digital video broadcast signal (DVB) or

program and system information protocol (PSIP) (See Grooters Col. 1 lines 45-67, Col. 2 lines 1-41).

54. Regarding claim **30**, Grooters modified with Picco teaches wherein receiving the signal broadcast by the server indicating that a content descriptor file has been broadcast comprises receiving the signal embedded in a file that is broadcast (See Grooters Col. 6 lines 11-21).

55. Regarding claim **31**, Grooters modified with Picco teaches wherein the generation of the demand data feedback comprises the generation of ranking feedback (See Picco Col. 6 lines 57-67, Col. 7 lines 1-33 Statistics are kept on the amount of time a program has been viewed. Thus, ranking feedback based on amount of time view is implicitly generated i.e. Program A is viewed for 5 minutes, Program B is viewed for 2 minutes).

56. Regarding claim **32**, Grooters modified with Picco teaches wherein the generation of the demand data feedback comprises the generation of rating feedback (See Picco Col. 6 lines 57-67, Col. 7 lines 1-33 Statistics are kept on the amount of time a program has been viewed. Thus, programs are rated by the amount of time viewed i.e. Program A is viewed for 5 minutes, Program B is viewed for 2 minutes).

57. Regarding claim **42,** claim **42** is an article of manufacture claim corresponding to method claim 28. Thus, claims **42** is discussed and rejected according to claims 28.

58. Regarding claim **43**, Grooters modified with Picco teaches wherein the machine-readable medium includes instructions to receive the content descriptor

file broadcast by the server in a same manner as other files broadcast by the server (See Grooters Col. 1 lines 45-67, Col. 2 lines 1-41).

59. Regarding claim **44**, Grooters modified with Picco teaches wherein the machine-readable medium further has instructions to signal a client process that is responsible for processing the content descriptor file to generate the demand data feedback to be provided to the server (See Picco Col. 7 lines 16-31).

60. Regarding claims **54-56,** claims **54-56** are apparatus claims corresponding to article of manufacture claims 42-44, respectively. Thus, claims **54-56** are discussed and rejected according to claims 42-44, respectively.

61. Regarding claims **78-80,** claims **78-80** are system claims corresponding to method claims 28-30, respectively. Thus, claims **78-80** are discussed and rejected according to claims 28-30, respectively.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jamieson W. Fish whose telephone number is 571-272-7307. The examiner can normally be reached on Monday-Friday, 8:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ngoc Vu can be reached on 571-272-7320. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

5/25/2005

NGOC-YEN VU
PRIMARY EXAMINER